

108TH CONGRESS  
2D SESSION

# H. R. 4400

To establish the Office of Wireless Public Safety Interoperable Communications, to provide grants and other support to achieve communications interoperability in the United States, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 19, 2004

Mrs. LOWEY (for herself, Mr. TURNER of Texas, Ms. LORETTA SANCHEZ of California, Mr. DICKS, Ms. SLAUGHTER, Mr. DEFazio, Mr. ANDREWS, Ms. NORTON, Ms. MCCARTHY of Missouri, Ms. JACKSON-LEE of Texas, Mr. ETHERIDGE, Mr. LANGEVIN, Mr. SANDLIN, Mr. GRIJALVA, Mr. TOWNS, Ms. LEE, Mr. REYES, Mr. GUTIERREZ, Mrs. MALONEY, Mr. LANTOS, Mr. MATSUI, Mr. DELAHUNT, Mr. CARDOZA, Mr. HOEFFEL, Mr. CASE, Mr. FROST, Mr. SKELTON, Mr. HASTINGS of Florida, Mr. GREEN of Texas, Mr. MOORE, Mrs. CAPPS, Mr. NADLER, Ms. ROYBAL-ALLARD, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WYNN, Ms. KILPATRICK, Mr. TIERNEY, Mr. ACEVEDO-VILÁ, and Mr. LUCAS of Kentucky) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Select Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To establish the Office of Wireless Public Safety Interoperable Communications, to provide grants and other support to achieve communications interoperability in the United States, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as “Connecting the Operations  
3 of National Networks of Emergency Communications  
4 Technologies for First Responders Act of 2004”.

5 **SEC. 2. FINDINGS; PURPOSES.**

6       (a) FINDINGS.—Congress finds the following:

7           (1) Throughout the United States, public safety  
8 agencies—law enforcement, firefighters, emergency  
9 technicians, public health officials, and others—in  
10 the same jurisdictions cannot now communicate ef-  
11 fectively with one another, with agencies in neigh-  
12 boring jurisdictions, or with other public safety  
13 agencies at the Federal and State level, when re-  
14 sponding to emergencies or participating in major  
15 deployment.

16           (2) The inability of public safety agencies in the  
17 United States to communicate with one another  
18 within and across jurisdictions and disciplines is a  
19 long-recognized and complex problem that threatens  
20 the public’s safety and security and often results in  
21 unnecessary loss of lives and property.

22           (3) The lack of interoperability was at least  
23 partially responsible for the deaths of 343 fire-  
24 fighters in New York City on September 11, 2001,  
25 when police could not communicate effectively with  
26 firefighters prior to the collapse of the Twin Towers.

1           (4) In the immediate aftermath of the Okla-  
2           homa City bombing in 1995, studies showed that  
3           emergency responders had to use runners to carry  
4           messages from one command center to another be-  
5           cause the responding agencies used different emer-  
6           gency radio channels, different frequencies, and dif-  
7           ferent radio systems.

8           (5) In Littleton, Colorado, 46 public safety  
9           agencies responded to the shooting spree inside Col-  
10          umbine High School in 1999. Precious minutes were  
11          lost because command personnel were forced to send  
12          runners to communicate crucial information. Incom-  
13          patible radio communication systems were a signifi-  
14          cant factor, according to the Columbine Review  
15          Commission.

16          (6) There are more than 50,000 State and local  
17          public safety agencies. Many of these agencies are  
18          small or volunteer organizations with limited budg-  
19          ets, and little or no engineering expertise. State and  
20          local agencies consistently cite lack of funding as a  
21          critical obstacle to interoperability.

22          (7) State and local budget crises have made  
23          funding public safety communications even more dif-  
24          ficult, and competition with other critical homeland  
25          security needs, such as personnel, physical facilities,

1 protective gear, and other kinds of equipment reduce  
2 the available funding for mission-critical communica-  
3 tions infrastructures and equipment.

4 (8) Funding is needed for all phases of the  
5 communications system life cycle: planning, system  
6 design and engineering, procurement and installa-  
7 tion, operations and maintenance, and testing and  
8 technology development. There is clear need for a  
9 dedicated and consistent Federal funding source  
10 that is sufficient to finance comprehensive interoper-  
11 able communications solutions. The role of Federal,  
12 State, and local governments and agencies in fund-  
13 ing interoperable communications must be clear.

14 (9) Achieving nationwide interoperability will  
15 require a significant financial commitment at all lev-  
16 els of government. In 1998, the Public Safety Wire-  
17 less Network estimated that developing interoperable  
18 communications nationwide could cost  
19 \$18,000,000,000. According to the Office of Wire-  
20 less Public Safety Interoperable Communications,  
21 the umbrella program in the Department of Home-  
22 land Security designed to lead and coordinate inter-  
23 operability efforts that is commonly known as  
24 Project SAFECOM, that estimate is now outdated  
25 and includes only part of the total cost of upgrades.

1           (10) An Independent Task Force sponsored by  
2           the Council on Foreign Relations stated that  
3           “among other things, additional funds are des-  
4           perately needed . . . to foster interoperable commu-  
5           nications systems for emergency responders across  
6           the country so that those on the front lines can com-  
7           municate with each other while at the scene of at-  
8           tack”. The Task Force recommended, “conserv-  
9           atively”, that \$6,800,000,000 over 5 years is needed  
10          for interoperability as well as public alert and infor-  
11          mation systems programs.

12          (11) Numerous Federal agencies provide infor-  
13          mation or grants that can be used in the develop-  
14          ment of interoperable communications systems.  
15          However, without common guidance and standards,  
16          funding and grants are often used in isolation of  
17          broader, regional communications needs and capac-  
18          ities. There is a need to better coordinate these dis-  
19          parate grant programs, and to provide unified and  
20          consistent leadership and funding from the Federal  
21          Government.

22          (12) The partnership between the private and  
23          public sectors has developed numerous solutions to  
24          significantly improve communications interoper-  
25          ability that can be implemented immediately. These

1 solutions include deployable vehicles that contain  
2 crosspatch capabilities that allow radio users on sep-  
3 arate frequencies to talk to each other; communica-  
4 tions system overlay software and hardware that  
5 allow multiple disparate communications networks to  
6 act as one network; and the Project 25 standard for  
7 the manufacturing of interoperable digital two-way  
8 wireless communications products.

9 (13) Current approaches to achieving commu-  
10 nications interoperability are also hampered by the  
11 fact that in many jurisdictions—

12 (A) the existing radio communications in-  
13 frastructure is old and outdated;

14 (B) planning for interoperability is limited  
15 and fragmented among multiple agencies;

16 (C) the necessary coordination and co-  
17 operation within and among jurisdictions is dif-  
18 ficult to achieve; and

19 (D) there is limited and fragmented  
20 amount of radio spectrum available to public  
21 safety organizations.

22 (14) The lack of universally recognized, fully  
23 open, and implementable standards for public safety  
24 agency needs has limited the cost efficiencies of

1 interoperability, and has delayed the adoption of new  
2 technologies by public safety agencies.

3 (15) Solutions can only be achieved through co-  
4 operation among all levels of government, and the  
5 Federal Government, through the Department of  
6 Homeland Security, must provide nationwide leader-  
7 ship, coordination, and a substantial share of re-  
8 sources necessary to purchase appropriate tech-  
9 nologies and create seamless communications among  
10 United States public safety agencies.

11 (16) In April 2004, the General Accounting Of-  
12 fice found that in Project SAFECOM's 2 year his-  
13 tory, the program has made very little progress in  
14 addressing its overall objective of achieving national  
15 wireless communications interoperability among first  
16 responders and public safety systems at all levels of  
17 government, principally due to—

18 (A) a lack of consistent executive commit-  
19 ment and support; and

20 (B) an inadequate level of interagency col-  
21 laboration.

22 (17) Project SAFECOM lacks the statutory au-  
23 thority and dedicated resources necessary to coordi-  
24 nate Federal programs or accomplish other tasks re-

1       quired to make the achievement of interoperability a  
2       national priority, and a realistic goal for the Nation.

3       (b) PURPOSES.—The purposes of this Act are to—

4           (1) require the Department of Homeland Secu-  
5       rity to provide effective leadership, coordination, and  
6       technical assistance for the purposes of enhancing  
7       communications interoperability, and to establish  
8       and implement a strategy to ensure the achievement  
9       of communications interoperability for public safety  
10      agencies throughout the United States;

11          (2) authorize appropriations for interoperable  
12      communications grants to State and local govern-  
13      ments and public safety agencies; and

14          (3) support the effective acquisition, installa-  
15      tion, and maintenance of short-term and long-term  
16      interoperable communications equipment for home-  
17      land security at all levels of government.

18   **SEC. 3. ESTABLISHMENT OF THE OFFICE OF WIRELESS**  
19                   **PUBLIC SAFETY INTEROPERABLE COMMU-**  
20                   **NICATIONS.**

21      (a) AMENDMENT.—The Homeland Security Act of  
22   2002 (6 U.S.C. 101 et seq.) is amended by adding after  
23   section 313 the following:



1 **“SEC. 314. OFFICE OF WIRELESS PUBLIC SAFETY INTER-**  
2 **OPERABLE COMMUNICATIONS.**

3 “(a) DEFINITIONS.—In this section, the following  
4 definitions shall apply:

5 “(1) COMMUNICATIONS INTEROPERABILITY.—

6 The term ‘communications interoperability’ means  
7 the ability of public safety service and support pro-  
8 viders, including emergency response providers, to  
9 communicate with other responding agencies and  
10 Federal agencies if necessary, through information  
11 technology systems and radio communications sys-  
12 tems, and to exchange voice, data, or video with one  
13 another on demand, in real time, as necessary.

14 “(2) DIRECTOR.—The term ‘Director’ means  
15 the Director of Wireless Public Safety Interoperable  
16 Communications.

17 “(3) OFFICE.—The term ‘Office’ means the Of-  
18 fice of Wireless Public Safety Interoperable Commu-  
19 nications established under subsection (c).

20 “(4) PUBLIC SAFETY AGENCIES.—The term  
21 ‘public safety agencies’ includes emergency response  
22 providers and any other persons that the Secretary  
23 determines must communicate effectively with one  
24 another to respond to emergencies.

25 “(b) SENSE OF CONGRESS REGARDING PROJECT  
26 SAFECOM.—It is the Sense of Congress that—

1           “(1) after more than 2 years, Project  
2       SAFECON has made very limited progress in ad-  
3       dressing its overall objective of achieving commu-  
4       nications interoperability among entities at all levels  
5       of government;

6           “(2) a principal impediment to progress has  
7       been the failure to effectively collaborate with, and  
8       to obtain consistent funding from, other Federal  
9       agencies involved with SAFECON; and

10          “(3) in order to accelerate progress in achieving  
11       communications interoperability among entities at  
12       all levels of government, all Federal funding and  
13       program management to achieve this goal should re-  
14       side within the Department of Homeland Security.

15       “(c) ESTABLISHMENT.—

16          “(1) IN GENERAL.—There is established the  
17       Office of Wireless Public Safety Interoperable Com-  
18       munications within the Directorate of Science and  
19       Technology, which shall be headed by a Director of  
20       Wireless Public Safety Interoperable Communica-  
21       tions appointed by the Secretary.

22          “(2) ADMINISTRATION.—The Secretary shall  
23       provide the Office with the resources and staff nec-  
24       essary to carry out the purposes of this section, in-  
25       cluding sufficient staff to provide support to each

1 State. Support under this paragraph shall include  
2 outreach, coordination, and technical assistance.

3 “(3) DUTIES.—

4 “(A) TECHNICAL ASSISTANCE.—

5 “(i) ASSISTANCE THROUGH DIREC-  
6 TOR.—The Secretary, acting through the  
7 Director, shall—

8 “(I) provide leadership and co-  
9 ordination among all other Federal  
10 agencies that provide funding, re-  
11 search, technology development, or  
12 other support for communications  
13 interoperability;

14 “(II) accelerate, in consultation  
15 with other nationally recognized  
16 standards organizations as appro-  
17 priate, the development of national  
18 voluntary consensus standards for  
19 communications interoperability, in-  
20 cluding the Project 25 standard, and  
21 establish a schedule of milestones to  
22 be achieved in developing such stand-  
23 ards;

24 “(III) provide technical assist-  
25 ance to Federal, State, and local gov-

1 ernments and public safety agencies  
2 on planning, interoperability architec-  
3 tures, acquisition strategies, and other  
4 functions necessary to achieve commu-  
5 nications interoperability;

6 “(IV) participate in the review  
7 and final approval of funding for  
8 grant applications for the purposes of  
9 administering the grant program es-  
10 tablished under section 430(e); and

11 “(V) provide direct technical as-  
12 sistance to State and local govern-  
13 ments and public safety agencies for  
14 the purposes of administering the  
15 grant program established under sec-  
16 tion 430(e).

17 “(ii) ASSISTANCE BY DIRECTOR AND  
18 UNDER SECRETARY FOR SCIENCE AND  
19 TECHNOLOGY.—The Director, under the  
20 direction of the Under Secretary for  
21 Science and Technology, shall—

22 “(I) conduct and otherwise pro-  
23 vide for research, development, test-  
24 ing, and evaluation for public safety

1                   communications   technologies   and  
2                   equipment;

3                   “(II) evaluate and validate new  
4                   technology concepts, including systems  
5                   engineering and development, and  
6                   promote the deployment of advanced  
7                   broadband   communications   tech-  
8                   nologies; and

9                   “(III) encourage the development  
10                  of flexible and open architectures and  
11                  standards, with appropriate levels of  
12                  security, for short-term and long-term  
13                  solutions to interoperability.

14                 “(B) OUTREACH AND COORDINATION.—  
15                 The Secretary, acting through both the Director  
16                 and the Office of State and Local Government  
17                 Coordination established under section 801,  
18                 shall take such steps as are necessary to enable  
19                 public safety agencies to achieve more effective  
20                 and efficient interoperable communications, and  
21                 shall collaborate with other Federal agencies,  
22                 the leadership of public safety agencies, and  
23                 State and local governments to—

24                         “(i) develop and maintain a task force  
25                         that represents the broad customer base of

1 State and local public safety agencies, as  
2 well as Federal agencies, involved in public  
3 safety agency disciplines, in order to re-  
4 ceive input and coordinate efforts to  
5 achieve communications interoperability;

6 “(ii) develop and implement a national  
7 strategy to achieve communications inter-  
8 operability;

9 “(iii) facilitate collaborative planning  
10 and partnerships among local, State, and  
11 Federal government agencies;

12 “(iv) coordinate, execute, and align all  
13 Federal public safety wireless communica-  
14 tions activities, to include the development  
15 of common guidance for grant programs,  
16 and any programs conducting demonstra-  
17 tion projects, technical assistance, out-  
18 reach, testing and evaluation, or research  
19 and development to enhance public safety  
20 wireless communications and interoper-  
21 ability;

22 “(v) share best practices, and provide  
23 outreach and coordination to State and  
24 local governments and public safety agen-  
25 cies, to implement short-term and long-

1 term solutions to achieve communications  
2 interoperability, and to include commer-  
3 cially available equipment that facilitates  
4 interoperability, coordination, and integra-  
5 tion among existing emergency commu-  
6 nications systems;

7 “(vi) identify and work to overcome  
8 the political, institutional, and geographic  
9 barriers within the public safety commu-  
10 nity that can impede interoperability  
11 among public safety agencies, including  
12 among Federal agencies;

13 “(vii) develop appropriate perform-  
14 ance measures and systematically measure  
15 the Nation’s progress towards interoper-  
16 ability; and

17 “(viii) monitor the availability of, and  
18 make recommendations to Congress to ad-  
19 dress problems associated with the avail-  
20 ability and more efficient use of, radio  
21 spectrum for public safety.

22 “(d) NATIONAL STRATEGY.—

23 “(1) IN GENERAL.—The Secretary, acting  
24 through the Director, shall, in cooperation with  
25 State and local governments, Federal agencies, pub-

1       lic safety agencies, the private sector, and the task  
2       force established under subsection (c)(3)(B)(i), de-  
3       velop a national strategy to achieve communications  
4       interoperability, which shall—

5               “(A) provide for the development of na-  
6               tional voluntary standards for the purchase and  
7               use by public safety agencies of interoperable  
8               communications equipment and technologies;

9               “(B) identify the appropriate interoperable  
10              communications capabilities necessary for Fed-  
11              eral, State, and local public safety agencies to  
12              adequately protect the people of the United  
13              States;

14              “(C) address both short-term and long-  
15              term solutions to achieving Federal, State and  
16              local communications interoperability, including  
17              provision of commercially available equipment  
18              that facilitates interoperability, coordination,  
19              and integration among existing emergency com-  
20              munications systems;

21              “(D) identify how the Federal Government  
22              can work effectively with State and local gov-  
23              ernments, public safety agencies in all States,  
24              and such other entities as are necessary to im-  
25              plement the strategy;



1           “(E) include measures to identify and  
2           overcome all obstacles to achieving interoper-  
3           ability; and

4           “(F) set goals and establish time frames  
5           for the achievement of communications inter-  
6           operability across the United States, and de-  
7           velop performance measures to determine  
8           whether these goals are being met.

9           “(2) REPORT.—Not later than 6 months after  
10          the date of enactment of the Connecting the Oper-  
11          ations of National Networks of Emergency Commu-  
12          nications Technologies for First Responders Act of  
13          2004, and each year thereafter, the Secretary shall  
14          submit a report to the Congress—

15               “(A) detailing the progress of the Depart-  
16               ment in carrying out the purposes of this sec-  
17               tion;

18               “(B) detailing the progress in achieving  
19               communications interoperability; and

20               “(C) making any recommendations nec-  
21               essary to expedite the fulfillment of the pur-  
22               poses of this section.

23          “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
24          are authorized to be appropriated to the Secretary  
25          \$50,000,000 for fiscal year 2005, and such sums as are

1 necessary each fiscal year thereafter, for the operations  
 2 of the Office, and for other entities within the Department  
 3 whose activities facilitate the purposes of the Connecting  
 4 the Operations of National Networks of Emergency Com-  
 5 munications Technologies for First Responders Act of  
 6 2004.”.

7 (b) TECHNICAL AND CONFORMING AMENDMENT.—  
 8 The table of contents in section 1(b) of the Homeland Se-  
 9 curity Act of 2002 (6 U.S.C. 101) is amended by inserting  
 10 after the item relating to section 313 the following:

“314. Office of Wireless Public Safety Interoperable Communications.”.

11 **SEC. 4. INTEROPERABLE COMMUNICATIONS TECHNOLOGY**  
 12 **GRANT PROGRAM.**

13 Section 430 of the Homeland Security Act of 2002  
 14 (6 U.S.C. 238) is amended by adding at the end the fol-  
 15 lowing:

16 “(e) INTEROPERABLE COMMUNICATIONS GRANTS.—

17 “(1) DEFINITIONS.—In this subsection, the fol-  
 18 lowing definitions shall apply:

19 “(A) COMMUNICATIONS INTEROPER-  
 20 ABILITY.—The term ‘communications interoper-  
 21 ability’ means the ability of public safety service  
 22 and support providers, including emergency re-  
 23 sponse providers, to communicate with other re-  
 24 sponding agencies and Federal agencies if nec-  
 25 essary, through information technology systems

1 and radio communications systems, and to ex-  
2 change voice, data, or video with one another on  
3 demand, in real time, as necessary.

4 “(B) ELIGIBLE STATE.—The term ‘eligible  
5 State’ means a State that—

6 “(i) has submitted a plan under para-  
7 graph (4); and

8 “(ii) the Secretary determines has not  
9 achieved adequate statewide communica-  
10 tions interoperability.

11 “(C) PUBLIC SAFETY AGENCIES.—The  
12 term ‘public safety agencies’ includes emergency  
13 response providers and any other persons that  
14 the Secretary determines must communicate ef-  
15 fectively with one another to respond to emer-  
16 gencies.

17 “(2) IN GENERAL.—The Secretary shall—

18 “(A) make grants on a competitive basis  
19 directly to local governments (including a con-  
20 sortium of local governments) and public safety  
21 agencies within eligible States, in consultation  
22 with the chief executives of the State or States,  
23 for the purpose of assisting in the development  
24 of interoperable communications systems at any  
25 stage, including—

1 “(i) planning, system design, and en-  
2 gineering;

3 “(ii) procurement and installation of  
4 equipment;

5 “(iii) operations and maintenance of  
6 equipment; and

7 “(iv) testing and technology develop-  
8 ment; and

9 “(B) make grants to eligible States for ini-  
10 tiatives necessary to achieve communications  
11 interoperability within each State, including—

12 “(i) statewide communications plan-  
13 ning;

14 “(ii) system design and engineering;

15 “(iii) procurement and installation of  
16 equipment;

17 “(iv) operations and maintenance of  
18 equipment; and

19 “(v) testing and technology develop-  
20 ment initiatives.

21 “(3) COORDINATION.—

22 “(A) IN GENERAL.—The Secretary shall  
23 ensure that grants administered under this sub-  
24 section are coordinated with the activities of  
25 other entities of the Department and other Fed-

1           eral entities so that grants awarded under this  
2           subsection, and other grant programs related to  
3           homeland security, facilitate the achievement of  
4           the strategy developed under section 314(c),  
5           and the purposes of the Connecting the Oper-  
6           ations of National Networks of Emergency  
7           Communications Technologies for First Re-  
8           sponders Act of 2004.

9           “(B) RELATIONSHIP TO EXISTING GRANT  
10          PROGRAMS.—Nothing in this Act shall provide  
11          for the combination of grant funds among the  
12          grant program established under this subsection  
13          and any other grant programs administered by  
14          the Department of Homeland Security, includ-  
15          ing the State Homeland Security Grant Pro-  
16          gram of the Department, or any successor to  
17          such grant program, and the Urban Area Secu-  
18          rity Initiative of the Department, or any suc-  
19          cessor to such grant program.

20          “(4) ELIGIBILITY.—

21          “(A) SUBMISSION OF PLAN.—To be eligi-  
22          ble to receive a grant under this subsection,  
23          each eligible State, or local governments or pub-  
24          lic safety agencies within an eligible State or

1 States, shall submit a communications inter-  
2 operability plan to the Secretary that—

3 “(i) addresses any stage of the devel-  
4 opment of interoperable communications  
5 systems, including planning, system design  
6 and engineering, procurement and installa-  
7 tion, operations and maintenance, and test-  
8 ing and technology development;

9 “(ii) if the applicant is not a State,  
10 includes a description of how the applicant  
11 addresses the goals specified in any appli-  
12 cable State plan or plans submitted under  
13 this section; and

14 “(iii) is approved by the Secretary.

15 “(B) INCORPORATION AND CONSIST-  
16 ENCY.—A plan submitted under subparagraph  
17 (A) may be part of, and shall be consistent  
18 with, any other homeland security plans re-  
19 quired of the submitting party by the Depart-  
20 ment.

21 “(5) AWARD OF GRANTS.—

22 “(A) CONSIDERATIONS.—In approving  
23 plans and awarding grants under this sub-  
24 section, the Secretary shall consider—

1 “(i) the nature of the threat to the eli-  
2 gible State or local jurisdiction;

3 “(ii) the location, risk, or vulnerability  
4 of critical infrastructure and key national  
5 assets;

6 “(iii) the number, as well as the den-  
7 sity, of persons who will be served by inter-  
8 operable communications systems;

9 “(iv) the extent of the partnerships,  
10 existing or planned, established between  
11 local jurisdictions and agencies partici-  
12 pating in the development of interoperable  
13 communications systems, and their coordi-  
14 nation with Federal and State agencies;

15 “(v) the level of communications  
16 interoperability already achieved by the ju-  
17 risdictions;

18 “(vi) the extent to which the commu-  
19 nications interoperability plan submitted  
20 under paragraph (4) adequately addresses  
21 steps necessary to implement short-term or  
22 long-term solutions to communications  
23 interoperability;

24 “(vii) the extent to which eligible  
25 States and local governments, in light of

1 their financial capability, demonstrate their  
2 commitment to expeditiously achieving  
3 communications interoperability by  
4 supplementing Federal funds with non-  
5 Federal funds;

6 “(viii) the extent to which grants will  
7 expedite the achievement of interoperability  
8 in the relevant jurisdiction with Federal,  
9 State, and local agencies; and

10 “(ix) the extent to which grants will  
11 be utilized to implement advanced commu-  
12 nications technologies to promote inter-  
13 operability.

14 “(B) COST SHARING.—

15 “(i) IN GENERAL.—The Federal share  
16 of the costs of an activity carried out with  
17 a grant to an applicant awarded under this  
18 section shall not exceed 75 percent.

19 “(ii) IN-KIND MATCHING.—Each re-  
20 cipient of a covered grant may meet the  
21 matching requirement under clause (i) by  
22 making in-kind contributions of goods or  
23 services that are directly linked with the  
24 purpose for which the grant is made, in-  
25 cluding personnel overtime, contractor



1 services, administrative costs, equipment  
2 fuel and maintenance, and rental space.

3 “(6) REIMBURSEMENT.—

4 “(A) IN GENERAL.—Unless otherwise re-  
5 quested by the recipient of a grant under this  
6 subsection, grants shall not be awarded to reim-  
7 burse the recipient for prior expenditures re-  
8 lated to achieving communications interoper-  
9 ability.

10 “(B) EXCEPTION.—The Secretary shall re-  
11 imburse public safety agencies directly for costs  
12 incurred for expenditures related to achieving  
13 communications interoperability, if—

14 “(i) the public safety agency expended  
15 funds after September 11, 2001, and be-  
16 fore the date of enactment of this sub-  
17 section; and

18 “(ii) such expenditures are consistent  
19 with and supportive of the communications  
20 interoperability plan approved by the Sec-  
21 retary under paragraph (4)(A)(iii).

22 “(C) TERMINATION OF AUTHORITY.—The  
23 authority of the Secretary under subparagraph  
24 (B) shall terminate one year after the date on

1           which the Department of Homeland Security  
2           first allocates grant funds for this program.

3           “(7) AUTHORIZATION OF APPROPRIATIONS.—

4           There are authorized to be appropriated to the Sec-  
5           retary \$500,000,000 for fiscal year 2005,  
6           \$750,000,000 for fiscal year 2006, \$1,000,000,000  
7           for fiscal year 2007, \$1,250,000,000 for fiscal year  
8           2008, \$1,500,000,000 for fiscal year 2009, and such  
9           sums as are necessary each fiscal year thereafter, to  
10          carry out the purposes of this subsection.”.

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